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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/766,541	01/28/2004	David Robison	CRS / 275	3109
26875	7590	11/16/2004	EXAMINER	
WOOD, HERRON & EVANS, LLP 2700 CAREW TOWER 441 VINE STREET CINCINNATI, OH 45202			GRAY, LINDA LAMEY	
			ART UNIT	PAPER NUMBER
			1734	

DATE MAILED: 11/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/766,541

Applicant(s)

ROBISON ET AL.

Examiner

Linda L Gray

Art Unit

1734

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 January 2004 and 21 May 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 4-6 is/are rejected.
- 7) ☒ Claim(s) 3 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ***
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Detailed Action

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. **Claims 4-6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.**

Claim 4 is indefinite in that such indicates a tape along an edge of the tape (preamble). It is suggested that "said seam tape" (L 2) be changed to - said sheeting -.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless – (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. **Claims 1-2 and 4-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Fries et al. (US 5,595,618).**

Claim 1, Fries et al. teach a method of forming sheeting 70/72 with seam tape 32 (c 4, L 56-64) along an edge including applying tape 32 to a center portion of sheet 26 and cutting sheet 26 into two sheets 70/72 by cutting through sheet 26 and through tape 32 to form sheets 70/72 each having tape 32 along one edge.

Claim 2, tape 32 is applied to sheet 26 at roller 30 and sheet 26 is cut simultaneously at slit 38.

Claim 4, Fries et al. teach an apparatus for forming sheets 70/72 having seam tape 32 along an edge including a seam tape applicator (Fig 1) having contact roll 30 adapted to press tape 32 against a surface of sheet 26 and slit 38 adapted to slit through tape 32 and sheet 26.

Claim 5, Fries et al. teach guides at 67 shown in Figure 1 to include a plurality of discs located along a central axis of the apparatus of Figure 1.

5. Claims 1 and 4-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Gohr (US 4,684,433).

Claim 1, Gohr teach a method of forming sheeting 14/14 with seam tape 18 along an edge including applying tape 18 to a center portion of sheet 24 and cutting sheet 24 into two sheets 14/14 by cutting through sheet 24 and through tape 18 to form sheets 14/14 each having tape 18 along one edge.

Claim 4, Gohr teaches an apparatus for forming sheets 14/14 having seam tape 18 along an edge including a seam tape applicator (Fig 1) having a contact roll at item 60 adapted to press tape 18 against a surface of sheet 24 and slit at 75 adapted to slit through tape 18 and sheet 24.

Claim 5, Gohr teaches guides at 145 and 147 shown in Figure 7 to include a plurality of discs located along a central axis of the apparatus of Figure 1 (c 4, L 44-57).

6. Claims 1 and 4 are rejected under 35 U.S.C. 102(b) as being anticipated by Petry et al. (US 4,032,385).

Claim 1, Petry et al. teach a method of forming sheeting (Fig 5) with seam tape 77 along an edge including applying tape 77 to a center portion of a sheet fed from roll 60 and cutting the sheet into two sheets by cutting through the sheet fed from roll 60 and through tape 77 to form the sheets each having tape 77 along one edge.

Claim 4, Petry et al. teach an apparatus for forming sheeting (Fig 5) having seam tape 77 along an edge including a seam tape applicator (Fig 1) having roll 75 adapted to press tape 77 against a surface of the sheet and slit 82 adapted to slit through tape 77 and the sheet.

Allowable Subject Matter

7. Claim 3 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. As allowable subject matter has been indicated, applicant's reply must either comply with all formal requirements or specifically traverse each requirement not complied with. See 37 CFR 1.111(b) and MPEP § 707.07(a).

9. The following is a statement of reasons for the indication of allowable subject matter: **claim 3:** while Gohr, Fries et al., and Petry et al. teach an apparatus which is considered a seam tape applicator sheet slitter and while supporting sheets to be cut on a surface having a central groove aligned with the area to be cut such that a blade is within the groove as the sheets move across the blade, Gohr, Fries et al., and Petry et al. do not teach that the apparatus is run along the sheets guided by the groove.

Art of Record

10. Entwistle applies a tape to a surface simultaneously with puncturing into the tape and surface, and the apparatus moves across the surface. Clements teaches a blade in a groove.

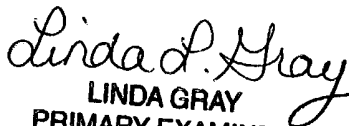
Conclusion

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Linda Gray whose telephone number is (571) 272-1228. The examiner can normally be reached Monday-Friday from 9:00 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Fiorilla, can be reached at (571) 272-1187. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

llg 
November 9, 2004


LINDA GRAY
PRIMARY EXAMINER